

REMARKS

In the specification, the paragraph starting on line 10 of page 2 (paragraph [0006]) has been amended to revise the phrase “a drive or pedal or drive wheel gear 156” to “a pedal or drive wheel gear 156” per the Examiner’s suggestion. The paragraph starting on line 9 of page 8 (paragraph [0029]) has been amended to include reference numbers 60 and 70 of Fig. 3. The paragraph starting on line 13 of page 3 (paragraph [0010]) and the paragraph starting on line 12 of page 9 (paragraph [0031]) have been amended to include the reference number 212 of Fig. 5.

Claims 1 – 9 are pending in this application and Claims 3, 4, and 6 – 9 are withdrawn from consideration. Claims 1 and 2 are objected to and Claims 1, 2, and 5 are rejected in this application. Claims 1, 2, and 5 have been amended and claims 10 – 16 are added hereby.

A. Claim Objections

Responsive to the objection of claims 1 and 2, Claims 1 and 2 have been amended to change “drive wheel” (Claim 1, lines 8 and 10 and Claim 2, lines 2 and 5 – 6) to “driven wheel” per the Examiner’s suggestion. Claim 1 has been amended to add an “a” before “drive train structure” (claim 1, line 9) per the Examiner’s suggestion. Claim 2 has been amended to read “said pedal crank assembly further comprising a pedal crank drive wheel gear” to overcome the 35 U.S.C. 112 rejection as described below.

B. 112

Responsive to the rejection of Claim 2 under 35 U.S.C. 112, Applicant has amended Claim 2 to replace “a pedal crank drive wheel gear” with “said pedal crank assembly further comprising a pedal crank drive wheel gear” per the Examiner’s suggestion. Further, the word “drive” in the phrase “said drive wheel gear” has been replaced by the word “driven” per the Examiner’s suggestion.

Responsive to the rejection of Claim 5 under 35 U.S.C. 112, Applicant has amended Claim 5 to revise “a drive chain” to “wherein said drive chain is” such that the drive chain in Claim 5 refers to the drive chain of Claim 2. Further, the text “and

mounted on said driven wheel gear” has been removed from Claim 5 to remove the confusion regarding the drive chain and the driven wheel gear.

C. 102(b) in light of Toronto, et al.

Responsive to the rejection of Claims 1, 2, and 5 under 35 U.S.C. 102(b), Applicant respectfully traverses. “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Toronto, et al. does not teach the location of the seat in the specification. Specifically, it doesn’t teach that the seat is mounted appreciably rearward of the crank assembly axis or that it is inclined about 30° from the vertical. Applicant contends that the position of a seat relative to the axis of rotation of the pedal crank assembly in Toronto, et al. is unclear as the drawings do not show a seat nor do the drawings show the position of the seat relative to the crank assembly axis. Thus the limitation that the seat be “mounted from said frame appreciably above and rearward of the axis of rotation of said pedal crank assembly” is not taught by Toronto, et al.

Applicant respectfully submits that claim 1, and thus claims 2 and 5, are now in condition for allowance, which is hereby respectfully requested.

D. New claims added herewith

New Claims 10 – 16 are hereby added to further protect the patentable subject matter of the Applicant’s invention. More particularly, the elements of new claim 10 are disclosed in original claim 2 as well as in the description on page 7, lines 10 – 13 and in Figure 1. The elements of new claim 11 are disclosed in original claim 1 as well as in the description on page 5, line 7, page 11, lines 9 – 12, and in Figures 7 and 8. The elements of new claim 12 are disclosed in original claim 2 and the elements of new claim 13 are disclosed in original claim 5. The elements of new claim 14 are disclosed in original claim 1 as well as in the description on page 5, line 7, page 11, lines 9 – 12, and in

Figures 7 and 8. The elements of new claim 15 are disclosed in original claim 2 and the elements of new claim 16 are disclosed in original claim 5.

Applicant submits that Claims 10 – 16 are in condition for allowance and respectfully requests the same.

Responsive to the objections to the drawings, Fig. 3 has been amended and reference numbers 60 and 70 of original Fig. 3 and 212 of original Fig. 5 have been added to the Detailed Description. In the amended Fig. 3, reference number 68 has been removed. A replacement sheet including amended Fig. 3 is attached.

A new combined Declaration and Power of Attorney in compliance with 37 CFR 1.67(a) that has been executed by the inventor is attached hereto. For your ready reference, the unexecuted original is also attached. An executed Revocation of Previous Powers of Attorney is also included along with the unexecuted original.

Applicant hereby Petitions for an Extension of Time under 37 CFR 1.136(a) to extend the period of response from April 7, 2003 to July 7, 2003.

In the event that Applicant has overlooked the need for an additional extension of time, payment of fee, or additional payment of fee, Applicant hereby conditionally petitions therefore and authorizes that any changes be made to Deposit Account No.: 10-0223.

Should you have any questions regarding the enclosed, please do not hesitate to contact me.

Respectfully submitted,

Dated: _____

William M. Hall
Reg. No.: 52,985

JAECKLE FLEISCHMANN & MUGEL, LLP
39 State Street, Suite 200
Rochester, New York 14614-1310
Tel: (585) 262-3640
Fax: (585) 262-4133